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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

AARON HANSEN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

CASE NO.

v.

MRS BPO, LLC and DOES 1-10, inclusive
and each of them,

Defendants.

CLASS ACTION COMPLAINT FOR DAMAGES

Plaintiff Aaron Hansen (“Plaintiff”), on behalf of himself and all others similarly situated, alleges the following upon information and belief based upon personal knowledge:

NATURE OF THE CASE

1. Plaintiff brings this action for himself and others similarly situated seeking damages and any other available legal or equitable remedies resulting from the illegal actions of MRS BPO, LLC (“Defendant” or “MRS”), in negligently, knowingly, and/or willfully contacting Plaintiff on Plaintiff’s cellular telephone in violation of the Telephone Consumer Protection Act, 47. U.S.C. § 227 *et seq.*

(“TCPA”), thereby invading Plaintiff’s privacy.

JURISDICTION & VENUE

2. The Court has subject matter jurisdiction under 28 U.S.C. § 1331 as Plaintiff and the putative class seek relief under a Federal statute, the TCPA, 47 U.S.C. § 227, et seq. *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 747 (2012).

3. Venue is proper in the United States District Court for the District of Utah pursuant to *18 U.S.C. 1391(b)* and *18 U.S.C. § 1441(a)* because Defendant does business within the state of Utah and Plaintiff resides within the state of Utah.

PARTIES

4. Plaintiff, Aaron Hansen (“Plaintiff”), is a natural person residing in Cedar City, Utah and is a “person” as defined by *47 U.S.C. § 153 (10)*.

5. Defendant, MRS BPO, LLC (“Defendant” or “MRS”), is a leader in the consumer debt collection industry and contacts consumers by telephone and postal mail nationwide seeking to collect allegedly delinquent consumer debts and is a “person” as defined by *47 U.S.C. § 153 (10)*.

6. The above named Defendant, and its subsidiaries and agents, are collectively referred to as “Defendants.” The true names and capacities of the Defendants sued herein as DOE DEFENDANTS 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the

Complaint to reflect the true names and capacities of the DOE Defendants when such identities become known.

7. Plaintiff is informed and believes that at all relevant times, each and every Defendant was acting as an agent and/or employee of each of the other Defendants and was acting within the course and scope of said agency and/or employment with the full knowledge and consent of each of the other Defendants. Plaintiff is informed and believes that each of the acts and/or omissions complained of herein was made known to, and ratified by, each of the other Defendants.

FACTUAL ALLEGATIONS

8. Beginning in or around March of 2014, Defendant contacted Plaintiff on his cellular telephone in an attempt to collect an alleged outstanding debt owed not by Plaintiff but by an individual unknown to nor affiliated with or related to Plaintiff.

9. On or about March 17, 2014 at approximately 7:43pm Defendant placed a collection call to Plaintiff's cellular telephone. When Plaintiff did not answer the call, Defendant left Plaintiff a message which utilized an artificial or prerecorded voice.

10. In response, that same day at 7:44pm, Plaintiff returned Defendant's call and advised Defendant that he was not the debtor, is not responsible for the debt, and did not wish to receive any further calls from Defendant.

11. Notwithstanding Defendant's knowledge that Plaintiff was not the debtor, on March 19, 2014 at 8:00pm, Defendant placed yet another automated collection call to Plaintiff's cellular telephone. When Plaintiff did not answer the call, Defendant left Plaintiff a message which utilized an artificial or prerecorded voice.

12. In response, that same day at 8:05pm, Plaintiff again returned Defendant's call and advised Defendant that he was not the debtor, is not responsible for the debt, and did not wish to receive any further calls from Defendant.

13. Notwithstanding Defendant's knowledge that Plaintiff was not the debtor, on April 15, 2014 at 7:49pm and on April 18, 2014 at 7:13pm, Defendant placed yet more automated collection calls to Plaintiff's cellular telephone regarding the debt not owed by Plaintiff.

14. Notwithstanding Defendant's knowledge that Plaintiff was not the debtor, on April 21, 2014 at 8:29pm and on April 25, 2014, Defendant placed yet more automated collection calls to Plaintiff's cellular telephone regarding the debt not owed by Plaintiff. Plaintiff answered each of these calls and again notified Defendant that he was not the debtor and to cease calling his cellular telephone.

15. Notwithstanding Defendant's knowledge that Plaintiff was not the debtor, on April 24, 2014 at 8:00pm and on May 5, 2014 at 8:24pm, Defendant placed yet more automated collection calls to Plaintiff's cellular telephone regarding

the debt not owed by Plaintiff.

16. Defendant used an “automatic telephone dialing system”, as defined by *47 U.S.C. § 227(a)(1)* to place its voluminous calls to Plaintiff.

17. Defendant often left voicemail messages on Plaintiff’s cellular telephone if Plaintiff did not answer Defendant’s calls. In these messages, Defendant utilized an “artificial or prerecorded voice” as prohibited by *47 U.S.C. § 227(b)(1)(A)*.

18. Defendant’s calls constituted calls that were not for emergency purposes as defined by *47 U.S.C. § 227(b)(1)(A)*.

19. Defendant’s calls were placed to telephone number assigned to a cellular telephone service for which Plaintiff incurs a charge for incoming calls pursuant to *47 U.S.C. § 227(b)(1)*.

20. On several occasions, Plaintiff answered Defendant’s telephone call and informed an agent for Defendant that: 1) Plaintiff was not the alleged debtor; 2) that Defendant has an incorrect telephone number and; 3) that Defendant must cease placing such calls to Plaintiff.

21. Despite receiving this information on numerous occasions, Defendant continued to place its automated collection calls to Plaintiff, on his cellular telephone, using an “automated telephone dialing system” and/or an “artificial or prerecorded voice.”

22. Plaintiff is not a customer of Defendant's services and has never provided any personal information, including his cellular telephone number, to Defendant for any purpose whatsoever. Furthermore, Plaintiff does not know nor has ever known the alleged debtor. Accordingly, Defendant never received Plaintiff's "prior express consent" to receive calls using an automatic telephone dialing system or an artificial or prerecorded voice on his cellular telephone pursuant to 47 U.S.C. § 227(b)(1)(A).

CLASS ALLEGATIONS

23. Plaintiff brings this action on behalf of himself and all others similarly situated, as a member of the proposed class (hereafter "The Class") defined as follows:

All persons within the United States who received any telephone calls from Defendant or Defendant's agent/s and/or employee/s to said person's cellular telephone made through the use of any automatic telephone dialing system or an artificial or prerecorded voice and such person had not previously consented to receiving such calls within the four years prior to the filing of this Complaint

24. Plaintiff represents, and is a member of, The Class, consisting of All persons within the United States who received any telephone calls from Defendant or Defendant's agent/s and/or employee/s to said person's cellular telephone made through the use of any automatic telephone dialing system or an artificial or prerecorded voice and such person had not previously not provided their cellular

telephone number to Defendant within the four years prior to the filing of this Complaint.

25. Defendant, its employees and agents are excluded from The Class. Plaintiff does not know the number of members in The Class, but believes the Class members number in the thousands, if not more. Thus, this matter should be certified as a Class Action to assist in the expeditious litigation of the matter.

26. The Class is so numerous that the individual joinder of all of its members is impractical. While the exact number and identities of The Class members are unknown to Plaintiff at this time and can only be ascertained through appropriate discovery, Plaintiff is informed and believes and thereon alleges that The Class includes thousands of members. Plaintiff alleges that The Class members may be ascertained by the records maintained by Defendant.

27. Plaintiff and members of The Class were harmed by the acts of Defendant in at least the following ways: Defendant illegally contacted Plaintiff and Class members via their cellular telephones thereby causing Plaintiff and Class members to incur certain charges or reduced telephone time for which Plaintiff and Class members had previously paid by having to retrieve or administer messages left by Defendant during those illegal calls, and invading the privacy of said Plaintiff and Class members.

28. Common questions of fact and law exist as to all members of The Class

which predominate over any questions affecting only individual members of The Class. These common legal and factual questions, which do not vary between Class members, and which may be determined without reference to the individual circumstances of any Class members, include, but are not limited to, the following:

- a. Whether, within the four years prior to the filing of this Complaint, Defendant made any telephone call (other than a call made for emergency purposes or made with the prior express consent of the called party) to a Class member using any automatic telephone dialing system or any artificial or prerecorded voice to any telephone number assigned to a cellular telephone service;
- b. Whether Plaintiff and the Class members were damages thereby, and the extent of damages for such violation; and
- c. Whether Defendant should be enjoined from engaging in such conduct in the future.

29. As a person that received numerous collection calls from Defendant using an automatic telephone dialing system or an artificial or prerecorded voice, without Plaintiff's prior express consent, Plaintiff is asserting claims that are typical of The Class.

30. Plaintiff will fairly and adequately protect the interests of the members of The Class. Plaintiff has retained attorneys experienced in the prosecution of class actions.

31. A class action is superior to other available methods of fair and efficient adjudication of this controversy, since individual litigation of the claims of all Class members is impracticable. Even if every Class member could afford individual litigation, the court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous issues would proceed. Individualized litigation would also present the potential for varying, inconsistent, or contradictory judgments and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same complex factual issues. By contrast, the conduct of this action as a class action presents fewer management difficulties, conserves the resources of the parties and of the court system, and protects the rights of each Class member.

32. The prosecution of separate actions by individual Class members would create a risk of adjudications with respect to them that would, as a practical matter, be dispositive of the interests of the other Class members not parties to such adjudications or that would substantially impair or impede the ability of such non-party Class members to protect their interests.

33. Defendant has acted or refused to act in respects generally applicable to The Class, thereby making appropriate final and injunctive relief with regard to the members of the California Class as a whole.

FIRST CAUSE OF ACTION

**Negligent Violations of the Telephone Consumer Protection Act
47 U.S.C. §227 et seq.**

34. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-33.

35. The foregoing acts and omissions of Defendant constitute numerous and multiple negligent violations of the TCPA, including but not limited to each and every one of the above cited provisions of *47 U.S.C. § 227 et seq.*

36. As a result of Defendant's negligent violations of *47 U.S.C. § 227 et seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in statutory damages, for each and every violation, pursuant to *47 U.S.C. § 227(b)(3)(B)*.

37. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

SECOND CAUSE OF ACTION

**Knowing and/or Willful Violations of the Telephone Consumer Protection Act
47 U.S.C. §227 et seq.**

38. Plaintiff repeats and incorporates by reference into this cause of action the allegations set forth above at Paragraphs 1-37.

39. The foregoing acts and omissions of Defendant constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not

limited to each and every one of the above cited provisions of 47 U.S.C. § 227 *et seq.*

40. As a result of Defendant's knowing and/or willful violations of 47 U.S.C. § 227 *et seq.*, Plaintiff and the Class members are entitled an award of \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

41. Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendant for the following:

FIRST CAUSE OF ACTION

Negligent Violations of the Telephone Consumer Protection Act 47 U.S.C. §227 *et seq.*

- As a result of Defendant's negligent violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request \$500 in statutory damages, for each and every violation, pursuant to 47 U.S.C. 227(b)(3)(B).
- Injunctive relief.
- Any and all other relief that the Court deems just and proper.

SECOND CAUSE OF ACTION

Knowing and/or Willful Violations of the Telephone Consumer Protection Act 47 U.S.C. §227 *et seq.*

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each

and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).

- Injunctive relief.
- Any and all other relief that the Court deems just and proper.

RESPECTFULLY SUBMITTED,

DATED: August 29, 2014

By: /s/
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